

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Christian J. Bracko,
Plaintiff,
v.

Alex Caine,
Defendants.

No. C 08-0239 JL

DISMISSAL WITH PREJUDICE

All parties consented to this Court's jurisdiction pursuant to 28 U.S.C. §636 (c). Plaintiff was formerly represented by counsel, but counsel withdrew with the Court's permission, due to Plaintiff's failure to pay costs of litigation as provided in the terms of the representation agreement. Plaintiff was notified and advised that he needed to make all future court appearances himself.

A case management conference was held in this case on April 29, 2009. Despite notice to Plaintiff to appear in person, following the Court's order permitting his counsel to withdraw, he failed to appear. A notice was sent to him, but the Court then learned that he had moved. A Notice was sent to his new address, 1800 Evans Lane, # 2121, San Jose, California 95125.

The Court received a telephone call from Plaintiff the day before the new hearing date of June 17, that he had school commitments which made it inconvenient for him to

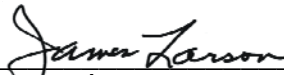
1 appear in court either June 17 or 24. However, he assured the Court's staff that he would
2 be able to appear on July 1. The Court sent a notice for the further case management
3 conference on that date, and warned Plaintiff that it would be the last continuance of the
4 case management conference.

5 Despite the ongoing communications from the Court, Plaintiff's assurances to the
6 Court that the July 1 date would work for him, and the Court's warning in the Order to Show
7 Cause that his case would be dismissed with prejudice should he fail to appear at the next
8 hearing, the matter came on for hearing, the Court waited past the noticed time, but Plaintiff
9 did not appear.

10 Accordingly, Plaintiff's case is hereby dismissed with prejudice as provided by Rule
11 41(b), Federal Rules of Civil Procedure.

12 IT IS SO ORDERED.

13 DATED: July 1, 2009

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16 James Larson
17 U.S. Magistrate Judge

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